

# **EXHIBIT “B”**

David W. Ashley, M.D.

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1 it looks like it's written by the National Jewish  
 2 Medical and Research Center in Denver, Colorado.  
 3 Q. She gave that to you on June 8, 2001, correct?  
 4 A. Correct.  
 5 Q. Did you and she talk about the written materials  
 6 that she gave you on that date?  
 7 A. Probably -- we probably talked more about --  
 8 let me just look at the rest of my note here. I  
 9 don't think -- we probably didn't go into  
 10 specifics about the material. She probably just  
 11 ascribed her concerns about potential exposures to  
 12 these three things in the past, acetone, Beryllium  
 13 and asbestos, and I don't know why she'd give me  
 14 something just on Beryllium. Probably because  
 15 it's not well-known to most of us.  
 16 Q. Can you read the first couple of lines in your  
 17 notes from that date from June 8?  
 18 A. Okay. Running out of insurance in two weeks.  
 19 On multiple medications. Just some vital signs.  
 20 It looks like I rechecked and tried to circle mine  
 21 as her blood pressure being a little higher than  
 22 what the staff got, 146 over 80. Potential  
 23 exposure, then a dash, and it says acetone,  
 24 Beryllium, and asbestos, and then underneath that  
 25 it says, brings in reading for, and it's the end

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1 of that.  
 2 Q. Now, so she told you right at the beginning that  
 3 she was running out of insurance?  
 4 A. Correct.  
 5 Q. And was that -- did that fact, that she was  
 6 running out of insurance, have something to do  
 7 with this conversation about potential exposures;  
 8 in other words, was she looking for some other way  
 9 to pay for her medical bills?  
 10 MR. MATANOVIC: Objection to form.  
 11 A. My understanding, my writing that down would  
 12 be that she's on multiple medications and needed  
 13 to refill them before her insurance ran out, and  
 14 it doesn't make -- it doesn't make sense to me  
 15 that she would be coming in with this because  
 16 she's running out of insurance, knowing that  
 17 something like this would be a decade-long  
 18 endeavor.  
 19 Q. When you say "something like this," you mean  
 20 litigation?  
 21 A. The litigation for an exposure.  
 22 Q. Can you remember any discussion during this June  
 23 8, 2001, visit about chronic Beryllium disease?  
 24 A. Only that that was a potential exposure she  
 25 said, and she gave me that handout. The word

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1 "Beryllium" I'd heard in my lifetime but knew  
 2 nothing about Beryllium disease.  
 3 Q. You had never had a patient with chronic Beryllium  
 4 disease before then?  
 5 A. No.  
 6 Q. Have you ever had another patient with chronic  
 7 Beryllium disease?  
 8 A. Not that I know of.  
 9 Q. Did she say where she got the written materials  
 10 that she gave you during that visit?  
 11 A. No, but it says on the top where it came  
 12 from, so...  
 13 Q. Did she mention a telephone call that she had with  
 14 Senator Jack Reed's office?  
 15 A. I don't remember that.  
 16 Q. Did she mention a telephone call she had had with  
 17 the Department of Labor?  
 18 A. I don't recall.  
 19 Q. During that June 8 visit, did you talk with her  
 20 about having any tests done relating to Beryllium  
 21 exposure?  
 22 A. I knew nothing of what Beryllium exposure  
 23 was, what the manifestations are, how you'd test  
 24 for it, so my guidance was from her and any  
 25 pulmonologist that I referred her to.

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1 Q. During that visit, did she say that she wanted a  
 2 test done?  
 3 A. Probably -- I don't know if that was at that  
 4 visit, but at some visit she did.  
 5 Q. What did she say about that?  
 6 MR. MATANOVIC: At what point?  
 7 MR. UBERSAX: Whenever she said that she  
 8 wanted a test.  
 9 A. That there is a test that exists that helps  
 10 figure out if somebody has been exposed to  
 11 Beryllium. I think it was a blood test, I  
 12 believe, and that it can be done at this certain  
 13 place, which is, I think, the place listed at the  
 14 top of the information sheet.  
 15 Q. So she knew more about the test than you did?  
 16 A. Oh, of course.  
 17 Q. She told you about this test?  
 18 A. She told me about the test.  
 19 Q. Was that during the June 8, 2001, visit?  
 20 A. I don't know.  
 21 Q. When was the next time that you and she had a  
 22 conversation about Beryllium?  
 23 A. Well, I saw her on June 19.  
 24 Q. Was it during that June 19, 2001, visit that she  
 25 told you about the blood test and asked to have

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<p style="text-align: right;">Page 42</p> <p>1 it?</p> <p>2 A. Yes. It looks like that from my note.</p> <p>3 Q. What does your note say about that?</p> <p>4 A. In my assessment and plan, it says, Beryllium</p> <p>5 exposure-in past while employed by Raytheon. Will</p> <p>6 send special required test.</p> <p>7 MR. UBERSAX: Would you mark this as the</p> <p>8 next exhibit, please?</p> <p>9 (DEFENDANTS' EXHIBIT 5 MARKED FOR I.D.)</p> <p>10 MR. MATANOVIC: Is that my copy?</p> <p>11 MR. UBERSAX: Yes.</p> <p>12 Q. Doctor, will you take a look at Exhibit 5, please?</p> <p>13 A. Yeah. That's the same.</p> <p>14 Q. Is that a copy of your office notes from June 19,</p> <p>15 2001?</p> <p>16 A. Yes.</p> <p>17 Q. That's your handwriting?</p> <p>18 A. Yes.</p> <p>19 Q. Down at the bottom of the page you wrote about</p> <p>20 Beryllium exposure?</p> <p>21 A. Correct.</p> <p>22 Q. And what did you mean by "required test"?</p> <p>23 A. It could be required, it could be requested.</p> <p>24 Usually that would indicate required, and I'm not</p> <p>25 sure what that means.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Well, that it was to indicate, you know,</p> <p>2 Beryllium exposure in the past. I mean, it's...</p> <p>3 Q. Did she indicate that she knew that the one</p> <p>4 purpose of the test is to determine whether she</p> <p>5 might have been harmed by exposure to Beryllium?</p> <p>6 A. I'm sure that was an understanding. I mean,</p> <p>7 it's...</p> <p>8 Q. What did she say about that?</p> <p>9 A. I don't recall.</p> <p>10 Q. Did she -- was her blood drawn for the test on</p> <p>11 June 19, 2001?</p> <p>12 A. I don't know. There is a blood test result</p> <p>13 someplace in here that probably has a date on the</p> <p>14 top of it, but I don't know. If it's written or</p> <p>15 the test result, that's the guidance I would use</p> <p>16 for when it was drawn.</p> <p>17 Q. Did you draw the blood yourself, or did somebody</p> <p>18 else in your office?</p> <p>19 A. Somebody else.</p> <p>20 Q. Did you refer her to a pulmonologist at some</p> <p>21 point?</p> <p>22 A. Yes.</p> <p>23 Q. When was that?</p> <p>24 A. I believe when she first came as a patient</p> <p>25 she already had one, and then -- let me see if I</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. This might mean requested by her?</p> <p>2 A. Yes.</p> <p>3 Q. And you also wrote, will send test; what did you</p> <p>4 mean by that?</p> <p>5 A. If I recall, this was one of these</p> <p>6 complicated things where the patient probably had</p> <p>7 the vials and the requirements on how the blood</p> <p>8 had to be drawn with her, and the lab that is in</p> <p>9 this office would do that for her, and then we</p> <p>10 mailed it from here, so she had everything</p> <p>11 necessary to package the test and then send it to</p> <p>12 wherever it had to -- got interpreted, developed.</p> <p>13 Q. She brought that with her to your office on June</p> <p>14 19?</p> <p>15 A. I don't know, but that's what I'm recalling</p> <p>16 from -- between memory and note here.</p> <p>17 Q. Do you remember any discussion about the test with</p> <p>18 her during this June 19 visit?</p> <p>19 A. Nothing specific, no.</p> <p>20 Q. Did she indicate that she knew what the purpose of</p> <p>21 the test was?</p> <p>22 A. I assume she knows what the purpose of the</p> <p>23 test is.</p> <p>24 Q. Did she say anything to you which made it clear</p> <p>25 that she did understand the purpose of the test?</p>	<p style="text-align: right;">Page 45</p> <p>1 can remember the time frame. I think -- I don't</p> <p>2 remember the dates are on this, but she had a</p> <p>3 pulmonologist here, then she was pursuing the</p> <p>4 Beryllium issue and went out West for a consult</p> <p>5 and further testing, and whether I referred her</p> <p>6 specifically out -- you know, if it required a</p> <p>7 referral from me, then I referred her. If she did</p> <p>8 it on her own, then she did it on her own. I</p> <p>9 probably wrote a hand referral out at some point.</p> <p>10 When she got back and that testing was done, she</p> <p>11 ended up finding a new pulmonologist around here.</p> <p>12 Q. Was that Dr. Corrao?</p> <p>13 A. He was the first one. She didn't want to see</p> <p>14 him again, because apparently she reported that he</p> <p>15 wasn't answering phone calls from the doctors out</p> <p>16 West.</p> <p>17 Q. Did you ever talk to Dr. Corrao about her medical</p> <p>18 condition?</p> <p>19 A. Never.</p> <p>20 Q. Do you know Dr. Corrao?</p> <p>21 A. Yes.</p> <p>22 Q. Did she ever tell you that she -- one of the</p> <p>23 reasons she left his care was that Dr. Corrao was</p> <p>24 not convinced of the CBD diagnosis?</p> <p>25 MR. MATANOVIC: Object to the form.</p>

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